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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,315	09/25/2006	Alfons Eblenkamp	20794/0205386-US0	6798
7278	7590	11/24/2009	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			GRAMLING, SEAN P	
			ART UNIT	PAPER NUMBER
			2875	
			MAIL DATE	DELIVERY MODE
			11/24/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,315	<b>Applicant(s)</b> EBLENKAMP ET AL.	
	<b>Examiner</b> SEAN P. GRAMLING	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Amendment***

Acknowledgment is made of Amendment filed August 13, 2009. Claim 5 is amended. Claims 5-10 are pending.

### ***Claim Objections***

**Claims 6 and 8-10** are objected to because of the following informalities: In independent claim 5, Applicant recites that the illumination device is disposed "so as to be concealed behind the door when the door is in the closed position", then recites in claims 6 and 8-10 that the illumination device includes an optical waveguide or a diffuser. However, the optical waveguide and diffuser in Applicant's embodiments are not concealed behind the door when the door is in the closed position. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Geyer* (DE 10144668) and further in view of *Blum et al* (DE 4220018).

Art Unit: 2875

3. Regarding claim 5, Geyer discloses a laundry appliance comprising a housing 1 including a stamped section recessed relative to a front of the housing and circumferentially surrounding a loading opening to a rotatably mounted drum of the appliance (see Figure 2, the illuminating ring 14 is positioned within the gap stamped section of between the door 18); a door 18 disposed in the front of the housing for closing the loading opening, an edge of the door (adjacent inner circle the illuminating ring 14) and a surrounding edge of the stamped section (adjacent outer circle of the illuminating ring 14) forming a gap area therebetween when the door is in the closed position; and an illumination device 16 disposed in the stamped section, light of the illumination device 16 being reflected at an edge surface of stamped section and a surface of the door edge so as to provide an illuminating ring visible at the front of the housing in the gap area when the door is in the closed position (see Figures 2-3). The illuminating device in Geyer is not concealed behind the door when the door is in the closed position. However, positioning illumination devices in laundry appliances such that they are concealed when the door is in the closed position is well-known in the art and is specifically taught in Blum (see Blum, Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to position the illuminating device 16 in Geyer such that it is concealed when the door is in the closed position as taught by Blum in order to indirectly illuminate the body of the illuminating device and provide an efficient light system for illuminating the area around door for viewing the door in darkened environments, and since it has been held that to shift

Art Unit: 2875

location of prior art parts does not make the claimed invention patentable over that prior art (*In re Japikse*, 86 USPQ 70).

4. **Claims 6-10** are rejected under 35 U.S.C. 103 (a) as being unpatentable over *Geyer* (DE 10144668) and *Blum et al* (DE 4220018) and further in view of *Ballen* (US 2003/0223250).

5. Regarding claims 6-7, the illumination device in *Geyer* includes a light source 16 disposed in an area of a hinge of the door (see Figures 2-3), but does not specifically teach an optical waveguide having a light output surface at a periphery thereof disposed in the stamped section of the housing circumferentially about the loading opening, wherein the waveguide includes a light input surface configured to provide a light-conductive connection with the light source so as to provide an illuminating ring visible at the front of the housing in the gap area. However, optical waveguides positioned within stamped sections of housing for providing an illuminating ring around an object are well-known in the art and specifically taught in *Ballen* (see *Ballen*, Figures 6-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an optical waveguide within the gap between an edge of the stamped section and the edge of door 18 in *Geyer* as taught by *Ballen* in order to provide an efficient light system for illuminating the area around door for viewing the door in darkened environments.

6. Regarding claim 8, the illumination device 14 in *Geyer* includes a diffuser (body of illuminating ring) and a plurality of LEDs 16 configured to back-light the diffuser, the

Art Unit: 2875

LED's being circumferentially spaced at an edge of the front loading opening (see Figures 2-3).

7. Regarding claim 9, Geyer does not specifically teach an optical waveguide disposed in the stamped section of the housing. However, optical waveguides positioned within stamped sections of housing for providing an illuminating ring around an object are well-known in the art and specifically taught in Ballen (see Ballen, Figures 6-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an optical waveguide in the stamped section of the housing in Geyer as taught by Ballen in order to provide an efficient light system for illuminating the area around door for viewing the door in darkened environments.

8. Regarding claim 10, the illumination device in Geyer includes a light source 16 disposed in an area of a hinge of the door (see Figures 2-3), but does not specifically teach an optical waveguide having a light output surface at a periphery thereof disposed in the stamped section of the housing circumferentially about the loading opening, wherein the waveguide includes a light input surface configured to provide a light-conductive connection with the light source so as to provide an illuminating ring visible at the front of the housing in the gap area. However, optical waveguides positioned within stamped sections of housing for providing an illuminating ring around an object are well-known in the art and specifically taught in Ballen (see Ballen, Figures 6-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an optical waveguide within the gap between an edge of the stamped section and the edge of door 18 in Geyer as taught by Ballen in order to provide an

Art Unit: 2875

efficient light system for illuminating the area around door for viewing the door in darkened environments.

### ***Response to Arguments***

9. Applicant's arguments filed August 13, 2009 with respect to the rejections in the previous Office Action have been considered but are moot in view of the new ground of rejection which was necessitated by Applicant's amendment to independent claim 5.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2875

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN P. GRAMLING whose telephone number is (571)272-9082. The examiner can normally be reached on MONDAY-FRIDAY 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sean P Gramling  
Examiner  
Art Unit 2875

/SPG/  
/Sharon E. Payne/  
Primary Examiner, Art Unit 2875